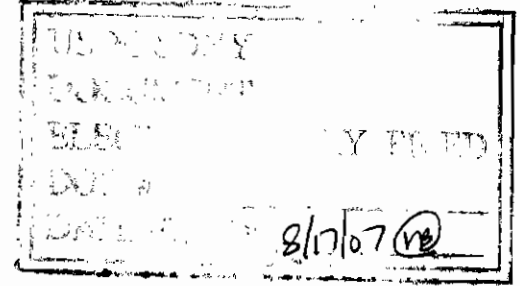


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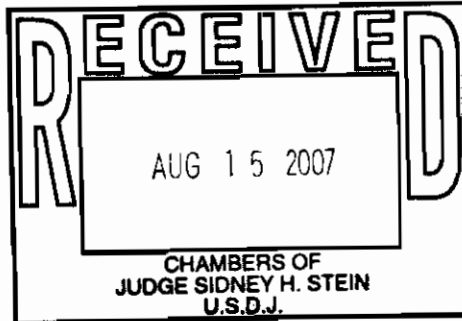
August 15, 2007

MEMO ENCLOSED

VIA FAX: 212-805-7924

Hon. Sidney H. Stein
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Calvo v. MTA
07 Civ. 5993 (SIIS)



Dear Judge Stein:

With regard to the above-referenced matter, I am writing to request that the conference presently set for September 7, 2007 be rescheduled to another mutually convenient date and time so that I may attend a two day 13 credit continuing education seminar that is being offered by the New York State Trial Lawyers Association on September 7 & 8. A copy of the brochure advertising the seminar accompanies this letter. The two day NYC seminar is one that I attend annually in fulfillment of my continuing education obligation and one that I would like to again register for. The course concerns updates in case law for an approximate 16 areas of tort law (plus one ethics seminar) where each subject is taught by a prominent member of the plaintiff's bar. Its course materials are a most valuable tool, which in conjunction with what is learned at the lectures, is a resource that is constantly used by me in my law practice.

It is my understanding that on July 10, 2007 a prior conference had been set by the Court for August 9, 2007 at which neither party appeared. I was unaware of that appointment. On June 27, 2007 I underwent a radical prostatectomy in treatment of prostate cancer. Following that surgery, I first returned to my office on a very limited part time basis on August 1, 2007. (As per my surgeons instructions, my office remains "closed" while I continue to gather strength while I work part time through September 4, 2007 at which time I will "re-open" my office and attempt full time practice.)

Although the notice currently available on the Court's web site states it was sent to me electronically on July 10, 2007, I have gone back to review my e-mail folder and do not find receipt of that notice anywhere.

Because I "closed" my practice while I convalesced from my surgery during the months of July and August, my calendar for the months of September and October are relatively congested. I am available for a rescheduled conference between 9AM and 11 AM on Monday September 10 or anytime after 2:00 PM on that day (I have a previously scheduled conference in Supreme Court, NY County at 12 PM that day). I am also available between 9AM and 12 PM on Tuesday,

Hon. Sidney H. Stein
August 15, 2007

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September 12. Following the Jewish Holiday of Rosh Hashana I am again available on Tuesday, September 18 at anytime after 12PM (I have a motion returnable before Supreme Court , NY County at 9 AM that day). I am also available on Wednesday, September 19 at any time after 3 PM. Should these proposed dates/times be inconvenient to the Court or defense counsel, then it would be most appreciated if the Court would arrange to have its Clerk contact me by telephone so that we may confer and thereby find an alternative mutually convenient date and time.

I have spoken with Ching Wah Chin, Esq. of defendant's counsel's office, who consents to this request.

The Court's anticipated courtesy and cooperation in accommodation of the foregoing is most appreciated by the undersigned.

Respectfully yours,

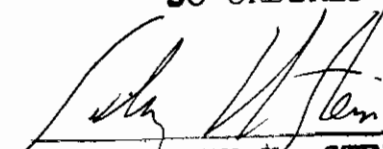
Philip J. Dinhofer

PHILIP J. DINHOFER

PJD/dd

cc: Ching Wah Chin, Esq.

*The conference is adjourned
to Sept. 12, 2007, at 12:00 p.m.*

SO ORDERED 8/14/07

SIDNEY H. STEIN
U.S.D.J.